

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ MAY 08 2012

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BROOKLYN OFFICE

PHILIP M. WASSER,

CIVIL JUDGMENT

Plaintiff,

-against-

12 CV 2120 (RRM)

SGT. BATTISTA, Wadsworth Army Base,

Defendant.

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Pursuant to the Court's Memorandum and Order issued on May 4, 2012
dismissing this Complaint, it is

ORDERED, ADJUDGED AND DECREED: That this Complaint is hereby dismissed based on the doctrine of *res judicata*. 28 U.S.C. § 1915(e)(2)(B). The Court certifies pursuant to 28 U.S.C. § 1915(a) that any appeal from the order would not be taken in good faith and therefore *in forma pauperis* is denied for the purpose of any appeal.

Dated: Brooklyn, New York
May 4, 2012

ROSLYNN R. MAUSKOPF
United States District Judge

CLM